

On July 16, 2018, defendant filed a motion for reconsideration of the order requiring defendant to pay the attorneys' fees. (#52.) Defendant states that, upon the June 7 ruling, his counsel immediately provided plaintiff with supplemental discovery

responses. Defendant states that he mistakenly believed all discovery issues had been addressed. As for his failure to respond to the counsel's declaration in support of attorneys' fees, he writes that did not believe a rebuttal was allowed under the local and federal rules.

Defendant admits that he did not serve plaintiffs with the supplemental discovery responses until after he was ordered to do so by the Court on June 7. The motion to compel resulted in precisely the relief sought by plaintiffs. Federal Rule of Civil Procedure 37(a)(5)(A) requires that,

[i]f the motion is granted—or if the disclosure or requested discovery is provided after the motion was filed—the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees.

The Court gave defendant ample time to be heard on this matter. Defendant did not respond. To the extend defendant believed he could not respond, he could have easily moved for leave to be heard.

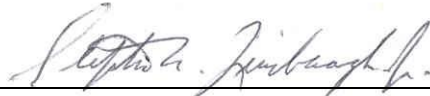
Defendant's motion to reconsider is without merit.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion to reconsider (#52) is **DENIED**.

**IT IS FURTHER ORDERED** that defendant shall pay \$1,192.50 in attorneys' fees to plaintiffs' counsel within 7 days.

Dated this 14th day of November, 2018.

A handwritten signature in cursive script, reading "Stephen N. Limbaugh, Jr.", written in black ink over a horizontal line.

STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE